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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/994,977   | 11/26/2001  | Tsuyoshi Sakata      | 4777/6              | 2857             |
| 29540  | 7590        | 08/15/2005           | EXAMINER            |                  |
| PITNEY HARDIN LLP<br>7 TIMES SQUARE<br>NEW YORK, NY 10036-7311 |             |                      | NGUYEN, TU X        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2684                |                  |

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,977

Applicant(s)

SAKATA ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's arguments with respect to claims 1, 3 and 5, have been considered but are moot in previous ground rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Shimomura et al. (US Patent 6,526,580).

Regarding claim 1, Shimomura et al. disclose a receiving device, comprising:

a broadcast receiving section receiving data by broadcast means (see col.7 lines 35-46, "ATSC digital television receiver circuit" corresponds to "broadcast receiving section");

a data accept section accepting the data by communication means (see col.14 lines 54-56); wherein:

said broadcast receiving section receives common information common to a plurality of receiving devices (see col.2 lines 26-39); and

said data accept section accepts inherent information inherent to the receiving device, said inherent information complementing said common information and not

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being in said common information (see col.14 lines 54-56, "narrow band connection for ecommerce applications such as purchase orders" corresponds to "inherent information not being included in common information).

Regarding claim 2, Shimomura et al. disclose everything as claim 1 above. More specifically, Shimomura et al. disclose the common, inherent information necessary when the data is accepted by the communication means (see col.4 lines 22-37);

a write section writing said common information and said inherent information (see 520, 550 fig.6a).

Regarding claim 3, Shimomura et al. disclose a receiving device, comprising:

a broadcast receiving section receiving data by broadcast means (see col.7 lines 35-46, "ATSC digital television receiver circuit" corresponds to "broadcast receiving section");

a data accept section accepting the data by communication means (see col.14 lines 54-56); wherein:

said broadcast receiving section receives permanent information which does not change with the passage of time (see col.13 lines 10-45); and

said data accept section accepts variable information which changes with the passage of time (see col.14 lines 40-55 "SMS" and "transactions" corresponds to "changes with the passage of time"), said variable information complementing said permanent information and not being included in said permanent information, (see col.14 lines 54-56, "narrow band connection for ecommerce applications such as

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purchase orders" corresponds to "inherent information not being included in common information).

Regarding claim 4, Shimomura et al. disclose information indicating links of the hypertext (see col.6 lines 10-16); and

Said data accept section accepts link information which is information indicating links of the hypertext (see col.14 lines 42-46).

Regarding claim 5, Shimomura et al. disclose a receiving device, comprising:  
a broadcast receiving section receiving data by broadcast means (see col.7 lines 35-46, "ATSC digital television receiver circuit" corresponds to "broadcast receiving section");

a data accept section accepting the data by communication means (see col.14 lines 54-56); wherein:

instruction presence information, an instruction by the communications means, said instruction information being information for notifying the receiving section that there is instruction information which the receiving section is to receive by the communication means (see col.12 lines 52-56), said data accept section accepts the instruction information, and said receiving section includes data execution section executing the instruction indicated by the instruction information accepted by said data accept section (see col.12 lines 52-56).

Regarding claim 6, Shimomura et al. disclose "acquire the mail" (see col.6 lines 17-34, email services includes popup icon).

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Regarding claim 7, Shimomura et al. disclose instruction presence information is information indication indicating presence/absence of information indicating a recording reservation, and said instruction information includes information necessary for a recoding reservation (see col.8 lines 24-42 and col.10 line 10 through col.11 line 6).

### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

### Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

July 26, 2005

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

E.O. 8/4/05